

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
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47 CFR Part 73

[MM Docket No. 93-17; RM-8170]

Radio Broadcasting Services; Sharon, CT, Rosendale, WA and West Hurley, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of the State University of New York, allots Channel 273A to Rosendale, New York. See 58 FR 11204 (Feb. 24, 1993). The Commission denies that portion of petitioner's request that sought modification of Station WFNP's license from Channel 204A to Channel 273A. The counterproposals filed jointly by Sacred Heart University, Inc. and Radio South Burlington to modify Sharon, Connecticut, Station WQQQ's license from Channel 277A to Channel 273A, reallocate Channel 273A to Washington, New York, and reserve Channel 277A at Sharon for noncommercial educational use, was dismissed.

DATES: Effective December 4, 1995. The window period for filing applications will open on December 4, 1995, and close on January 4, 1996.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93-17, adopted October 3, 1995, and released October 20, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. Additionally a proposal by Raymond Natole to allot Channel 255A to West Hurley, New York, will be the subject of a separate Notice of Proposed Rule Making. Channel 273A can be allotted to Rosendale in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.7 kilometers (2.9 miles)

southeast, at coordinates North Latitude 41-49-14 and West Longitude 74-02-13, to avoid a short-spacing to Station WUUU, Channel 273B, Rome, New York. Canadian concurrence has been received since Rosendale is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Rosendale, Channel 273A.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*

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DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252

Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business Utilization Program

AGENCY: Department of Defense (DoD).

ACTION: Suspension.

SUMMARY: The Under Secretary of Defense for Acquisition and Technology has suspended those sections of the Defense Federal Acquisition Regulation Supplement (DFARS) which prescribe set-aside of acquisitions for small disadvantaged businesses. This action has been reviewed by the Office of Management and Budget under Executive Order 12866.

DATES: *Effective Date:* October 23, 1995. *Comment Date:* Comments on the suspension should be submitted in writing to the address below on or before November 27, 1995.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301-

3062. Telefax number (703) 602-0350. Please cite Holding File 95-H746 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This suspends Defense Federal Acquisition Regulation Supplement (DFARS) sections 219.501(S-70), 219.502-2-70, 219.502-4, 219.504(b)(i), 219.506, 219.508(e), 219.508-70, and contract clause 252.219-7002. This suspension takes account of the Supreme Court's decision in *Adarand Constructors, Inc. v. Peña*, 63 U.S.L.W. 4523 (U.S. June 12, 1995).

B. Regulatory Flexibility Act

This suspension may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the suspension precludes contracting officers from setting aside acquisitions for small disadvantaged business. The objective of the suspension is to take account of the decision of the Supreme Court in *Adarand Constructors, Inc. v. Peña*, 63 U.S.L.W. 4523 (U.S. June 12, 1995) while an interagency government-wide review of affirmative action programs is conducted. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address specified herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Regulatory Flexibility Act. Such comments must be submitted separately and cite DFARS Holding File 95-H746 in correspondence.

C. Paperwork Reduction Act

This suspension does not impose any additional information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

Michele P. Peterson,
*Executive Editor, Defense Acquisition
Regulations Council.*

List of Subjects in 48 CFR Parts 219 and 252

Government procurement.

Accordingly, Parts 219 and 252 are amended as follows: